

2018

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Alistair Coe)

# **Lands Acquisition (Reporting Requirements) Amendment Bill 2018**

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## **A Bill for**

An Act to amend the *Lands Acquisition Act 1994*

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

**1 Name of Act**

This Act is the *Lands Acquisition (Reporting Requirements) Amendment Act 2018*.

**2 Commencement**

This Act commences on 1 July 2018.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

**3 Legislation amended**

This Act amends the [Lands Acquisition Act 1994](#).

**4 Declaration that land suitable for acquisition  
Section 19 (2)**

*substitute*

(2) The declaration must state—

- (a) the acquiring authority; and
- (b) the land; and
- (c) the interest in the land; and
- (d) the public purpose.

*Note 1* A declaration is a notifiable instrument (see s 20).

*Note 2* For an acquisition for which a declaration is made, the declaration must be absolute and in force before the acquiring authority can acquire the interest in the land (see s 32 (2) (a) and s 33 (1) (a)). For when a declaration becomes absolute and in force, see s 34.

**5 Acquisition by agreement  
Section 32 (3)**

*omit everything before paragraph (a), substitute*

- (3) The Executive must present to the Legislative Assembly, within 6 sitting days of the Assembly after the agreement is entered into, a statement describing—

**6 New part 9B**

*insert*

**Part 9B Reporting requirements**

**104AE Quarterly report about all acquisitions**

- (1) Within 6 sitting days after the end of a quarter in which a reportable acquisition is made, the Minister must present to the Legislative Assembly a report that sets out—

- (a) the interest in land that was acquired, including identification of—

- (i) either—

(A) the land; or

(B) if the land was acquired for public housing—the suburb in which the land is located; and

- (ii) if the land was acquired from a corporation or other body—the corporation or body from whom it was acquired; and

- (b) if the acquisition was made by the Executive—that the Executive was the acquirer; and

- 1 (c) if the acquisition is made by a public sector body—that the  
2 public sector body was the acquirer; and
- 3 (d) whether the interest in land was acquired by—
- 4 (i) agreement under section 32; or
- 5 (ii) compulsory process under section 33; or
- 6 (iii) an agreement when there was no pre-acquisition  
7 declaration or certificate under section 21 in force for the  
8 acquisition; and
- 9 (e) the compensation paid for the interest in land; and
- 10 (f) any other amount paid in relation to the acquisition; and
- 11 **Examples**
- 12 consultant fees, commissions
- 13 *Note* An example is part of the Act, is not exhaustive and may extend,  
14 but does not limit, the meaning of the provision in which it  
15 appears (see [Legislation Act](#), s 126 and s 132).
- 16 (g) information considered by the acquirer of the land in relation to  
17 deciding the amounts mentioned in paragraphs (e) and (f)  
18 including—
- 19 (i) any valuation given to the acquirer by the person from  
20 whom the interest was acquired; and
- 21 (ii) all valuations considered by the acquirer; and
- 22 (h) how value for money was pursued in accordance with the  
23 [Government Procurement Act 2001](#), section 22A; and
- 24 (i) the reason for the acquisition; and

- (j) how the acquisition meets the requirements of the *Planning and Development Act 2007*; and

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see *Legislation Act*, s 104). This includes the statement of planning intent made under the *Planning and Development Act 2007*, s 16 and the *territory plan*, including the statement of strategic directions made under the *Planning and Development Act 2007*, s 51.

- (k) if the acquirer is a territory authority—how the acquisition upholds the statement of intent made under the *Financial Management Act 1996*, section 61 for the territory authority; and

- (l) if the acquirer is the city renewal authority—how the acquisition—

(i) complies with any direction made under the *City Renewal Authority and Suburban Land Agency Act 2017*, section 63 (Treasurer must make directions for land acquisition); and

(ii) upholds the following under that *Act*, to the extent they relate to lands acquisition:

(A) the objects of the authority under section 8;

(B) the functions of the authority under section 9;

(C) a statement of expectations made under section 17;

(D) a statement of operational intent made under section 18; and

- 1 (m) if the acquirer is the suburban land agency—how the  
2 acquisition—
- 3 (i) complies with any direction made under the *City Renewal*  
4 *Authority and Suburban Land Agency Act 2017*,  
5 section 63; and
- 6 (ii) upholds the following under that *Act*, to the extent they  
7 relate to lands acquisition:
- 8 (A) the objects of the agency under section 38;  
9 (B) the functions of the agency under section 39; and
- 10 (n) the current and future status of the acquired land under the  
11 *territory plan*, including any condition on the Crown lease; and
- 12 (o) how the acquisition, including the intended use of the land,  
13 supports land development that is—
- 14 (i) in the public interest; and  
15 (ii) environmentally sustainable; and
- 16 (p) a summary of any information considered by the acquirer in  
17 relation to making the acquisition, including—
- 18 (i) advice received from the head of service and  
19 directors-general; and
- 20 (ii) any risk assessment; and
- 21 (q) anything prescribed by regulation.
- 22 (2) If the Minister is presenting a report under the *City Renewal*  
23 *Authority and Suburban Land Agency Act 2017*, section 13 (Land  
24 acquisition report of authority) or section 43 (Land acquisition  
25 report of agency), the Minister may—
- 26 (a) combine the report with the report presented under  
27 subsection (1); and

- 1 (b) for information required to be included in 2 or more combined  
2 reports—include the information once.
- 3 (3) Within 10 working days of presenting the report mentioned in  
4 subsection (1) to the Legislative Assembly, the Minister must give  
5 the relevant committee—
- 6 (a) a copy of the report; and
- 7 (b) if the report identifies land acquired for public housing—the  
8 identifying particulars of the land; and
- 9 (c) if the report identifies land acquired from a person other than a  
10 corporation or other body—the person from whom it was  
11 acquired.
- 12 (4) In this section:
- 13 ***alternative acquisition by agreement*** means an acquisition  
14 mentioned in section 18 (1) (d), other than acquisition of a mortgage  
15 interest.
- 16 ***relevant committee*** means—
- 17 (a) a standing committee of the Legislative Assembly nominated  
18 by the Speaker for subsection (1); or
- 19 (b) if no nomination under paragraph (a) is in effect—the standing  
20 committee of the Legislative Assembly responsible for public  
21 accounts.
- 22 ***reportable acquisition*** means—
- 23 (a) an acquisition under this Act; or
- 24 (b) an alternative acquisition by agreement.
- 25 ***territory authority***—see the *Financial Management Act 1996*,  
26 dictionary.

- 1     **7     Dictionary, note 2**
- 2             *insert*
- 3             •     body
- 4             •     city renewal authority
- 5             •     corporation
- 6             •     Executive
- 7             •     Legislative Assembly
- 8             •     Minister (see s 162)
- 9             •     public sector body
- 10            •     quarter
- 11            •     sitting day
- 12            •     Speaker
- 13            •     suburban land agency



## 1 Presentation speech

## 2 Notification

### 3 Republications of amended laws